

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Danielle Coakley,)	
)	C/A No.: 1:22-1728-TLW
)	
Plaintiff,)	
)	NOTICE OF REMOVAL
v.)	
)	
Robert Franklin Young and Finish Line)	
Trucking,)	
)	
Defendants.)	

TO: THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH CAROLINA, AIKEN DIVISION:

The Petitioners, Defendants Robert Franklin Young and Finishline Trucking, LLC (incorrectly captioned above as “Finish Line Trucking”), by and through their undersigned counsel, respectfully show this Court that:

1. Petitioners Robert Franklin Young and Finishline Trucking, LLC are the Defendants in the above-entitled action. Petitioner Robert Young is an individual and Petitioner Finishline Trucking, LLC is an entity, and at all times relevant to the Plaintiff’s Complaint, both were citizens and residents of, and domiciled in, the State of North Carolina.

2. Danielle Coakley is the Plaintiff in the case, and, upon information and belief, is or may be a citizen and resident of the State of Arizona, as alleged in Plaintiff’s Complaint. Therefore, all of the parties to this action are diverse.

3. On or about March 25, 2022, the above-entitled action was filed in the Aiken County Court of Common Pleas as case number 2022-CP-02-00685.

4. On May 5, 2022, the undersigned counsel for Petitioners/Defendants accepted service of the Summons and Complaint on behalf of the Petitioners. Upon information and belief,

the Complaint was the first and only pleading in this matter served upon Petitioners. Petitioners filed an Answer to the Plaintiff's Complaint on May 5, 2022. Plaintiff alleges service upon Petitioners on May 17, 2022, by attempting service non-resident Petitioners through the South Carolina Department of Motor Vehicles.

5. The above-entitled action is a personal injury action involving an automobile collision between Plaintiff's and Petitioner/Defendant Robert Franklin Young on or about May 13, 2019, in Aiken County, South Carolina. The accident involved multiple vehicles and multiple parties. Plaintiff has brought this action against Petitioners/Defendants and alleges negligence, among other things, against Petitioner/Defendant Robert Franklin Young, and also alleges negligence, negligent hiring, and negligent entrustment against Petitioner/Defendant Finishline Trucking, LLC.

6. In the Complaint, the Plaintiff's prayer for relief was left open. However, the undersigned counsel for Petitioners/Defendants engaged with Plaintiff's counsel for settlement negotiations before and after commencement of this action and received no demand package with any alleged medical bills/costs or damage calculations. After filing Defendants' Answer in this case, counsel for Petitioners received a written demand (attached as Exhibit A) on May 24, 2022, for \$500,000 to settle this case. The insurance carrier for Petitioners previously settled all of the multiple property damage and personal injury claims stemming from this same collision for \$70,007.05 in total for all the claims. Due to the prior settlement of claims with other claimants from this same collision and the open-ended prayer for relief in the Complaint, Petitioners first ascertained that this case is removable only following receipt of the \$500,000 settlement demand on May 24, 2022. Plaintiff will not stipulate to damages of less than \$75,000. Prior to the demand

the Petitioners believed the amount in controversy to be for below \$75,000.00 based upon the other cases.

7. The parties to this action are diverse and a verdict in the case may be in excess of \$75,000. Therefore, this Court has jurisdiction pursuant to 28 U.S.C. § 1332, and this case is eligible for removal pursuant to 28 U.S.C. § 1441. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is filed within one year of the commencement of this action and was filed within 30 days after receipt by the Petitioners of the written settlement demand on May 24, 2022, that caused Petitioners to ascertain that the case is removable.

8. Copies of all state court pleadings served on Petitioners and filed with the Aiken County Clerk of Court to date are attached as Exhibit B. The Clerk of Court for Aiken County, South Carolina, is being provided with a copy of this Notice of Removal contemporaneously with this filing via South Carolina's e-filing system, and Petitioners/Defendants are serving a copy of this Notice on counsel for the Plaintiff contemporaneously with this filing.

WHEREFORE, Petitioners request that the above-entitled action be removed from the Aiken County Court of Common Pleas to this Court.

Respectfully submitted,

s/Daniel R. Settana, Jr.

Daniel R. Settana, Jr., FED ID #6065

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Columbia, South Carolina
June 2, 2022